

UNITED STATES COURT OF APPEALS

AUG 29 2002

TENTH CIRCUIT

PATRICK FISHER
Clerk

HAROLD CARROLL also known as
H. Roy Carroll,

Plaintiff - Appellant,

v.

TOM NEWTON, Warden, Cibola
County Correctional Center,
Corrections Corporation of America;
JAMES SPALDING, Director, Idaho
Department of Corrections; JOHN
DOE I, Chairman, Idaho Board of
Corrections; JOHN DOE II through X;
DON RUSSELL, Warden, Cibola
County Correctional Facility; and
CORRECTIONS CORPORATION OF
AMERICA,

Defendants - Appellees.

No. 02-2103

(D.C. No. CIV-00-99-MV/KBM)

(D. New Mexico)

ORDER AND JUDGMENT*

Before **KELLY, McKAY**, and **MURPHY**, Circuit Judges.

After examining the briefs and the appellate record, this panel has
determined unanimously that oral argument would not materially assist the

*This order and judgment is not binding precedent, except under the
doctrines of law of the case, res judicata, and collateral estoppel. The court
generally disfavors the citation of orders and judgments; nevertheless, an order
and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

determination of this appeal. See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G).

The case is therefore ordered submitted without oral argument.

This is a pro se state prisoner § 1983 civil rights appeal. Mr. Carroll is an Idaho state prisoner. During the construction of a new prison in Idaho, state prisoners were transferred for one year to a New Mexico county correctional facility. Appellant and two other prisoners sought class certification, injunctive relief, and other claims for alleged unconstitutional prison conditions at the New Mexico prison. Class certification, the claim for injunctive relief, certain other claims, and two plaintiffs were dismissed by the district court. Subsequently, the magistrate judge recommended that Defendants' motion for summary judgment be granted. After consideration of Appellant's objections, the district court adopted the recommendation and dismissed the complaint. Mr. Carroll appeals to this court.

We agree with the district court that none of Appellant's claims have merit. After a thorough review of the briefs and the record and for substantially the same reasons set forth in the district court's March 25, 2002, Order adopting the magistrate judge's well-reasoned recommended disposition, we hold that no relief is available to Mr. Carroll pursuant to § 1983.

The decision of the trial court is **AFFIRMED**. We remind Appellant that because his motion to proceed without prepayment of the appellate filing fee was

granted, he must continue making partial payments on court fees and costs previously assessed until such have been paid in full.

Entered for the Court

Monroe G. McKay
Circuit Judge